

**CALENDAR ITEM
C03**

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S 1

08/19/15
PRC 5177.1
M.J. Columbus

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Edward R. Frazer, Trustee of the Edward R. Frazer Family Trust (E.R.F's S.P.), dated October 2, 2002

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4796 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, portion of a cabin, boat lift, and two mooring buoys.

LEASE TERM:

10 years, beginning June 30, 2015.

CONSIDERATION:

\$2,747 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. If Lessee does not have a valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.
2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

CALENDAR ITEM NO. **C03** (CONT'D)

3. The lease contains provisions stating that the existing cabin on the lease premises, as shown on the attached Exhibit B, cannot be expanded, and if repairs to any portion of the existing cabin on the lease premises cost more than 50 percent of the base value of the cabin, then the cabin must be removed from the lease premises.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On June 26, 2006, the Commission authorized a 10-year General Lease – Recreational Use to Edward R. Frazer. That lease expired on June 29, 2015. On June 12, 2012, the upland was deeded to Edward R. Frazer, Trustee of the Edward R. Frazer Family Trust (E.R.F's S.P.), dated October 2, 2002. The Applicant is now applying for a General Lease – Recreational Use.
3. The cabin does not interfere with the public's trust needs at this location and time and for the foreseeable term of the proposed lease. As such, staff recommends bringing the portion of the cabin located on state land under lease.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C03** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Edward R. Frazer, Trustee of the Edward R. Frazer Family Trust (E.R.F's S.P.), dated October 2, 2002, beginning June 30, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier, portion of a cabin, boat lift, and two mooring buoys as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$2,747, with an annual Consumer Price Index adjustment; and liability insurance with coverage in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5177.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 22, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 - PIER

All those lands underlying an existing pier, two catwalks, cabin and boat lift lying adjacent to that parcel described in Trust Transfer Deed recorded June 12, 2012 as Document Number 2012-0051976-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCELS 2 & 3 - BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Trust Transfer Deed recorded June 12, 2012 as Document Number 2012-0051976-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 07/22/2015 by the California State Lands Commission Boundary Unit.



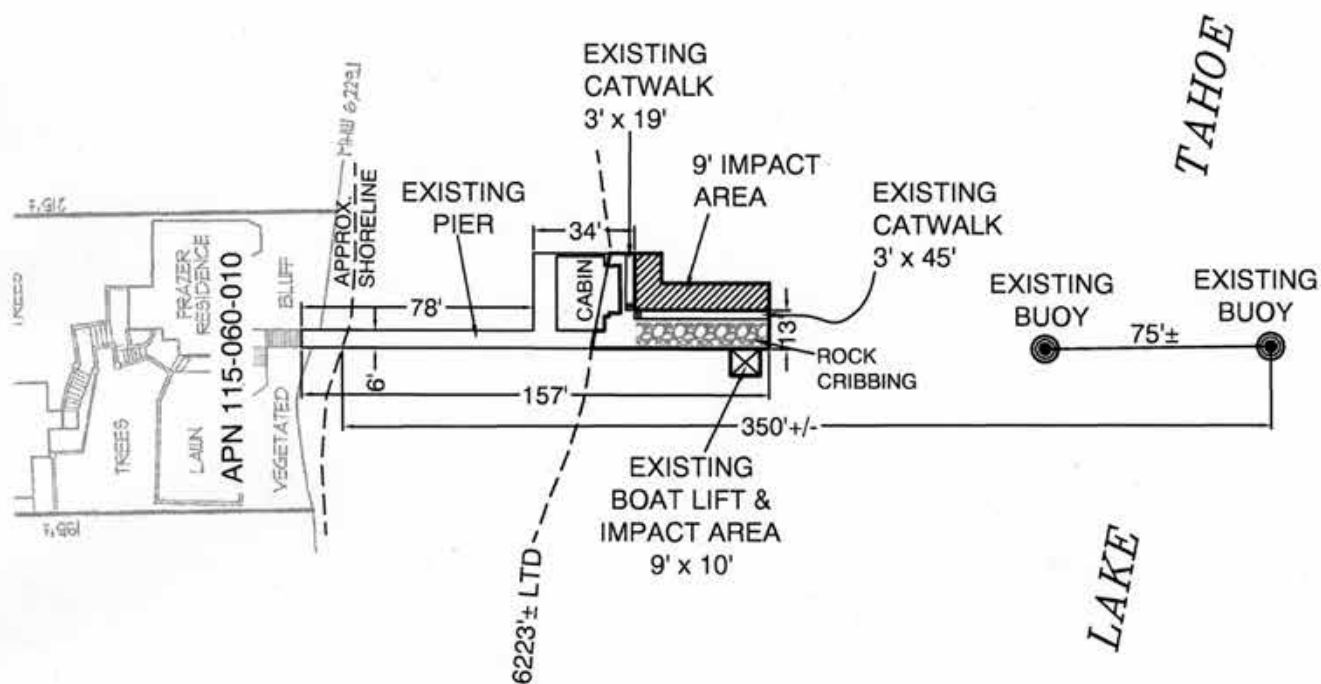


EXHIBIT A

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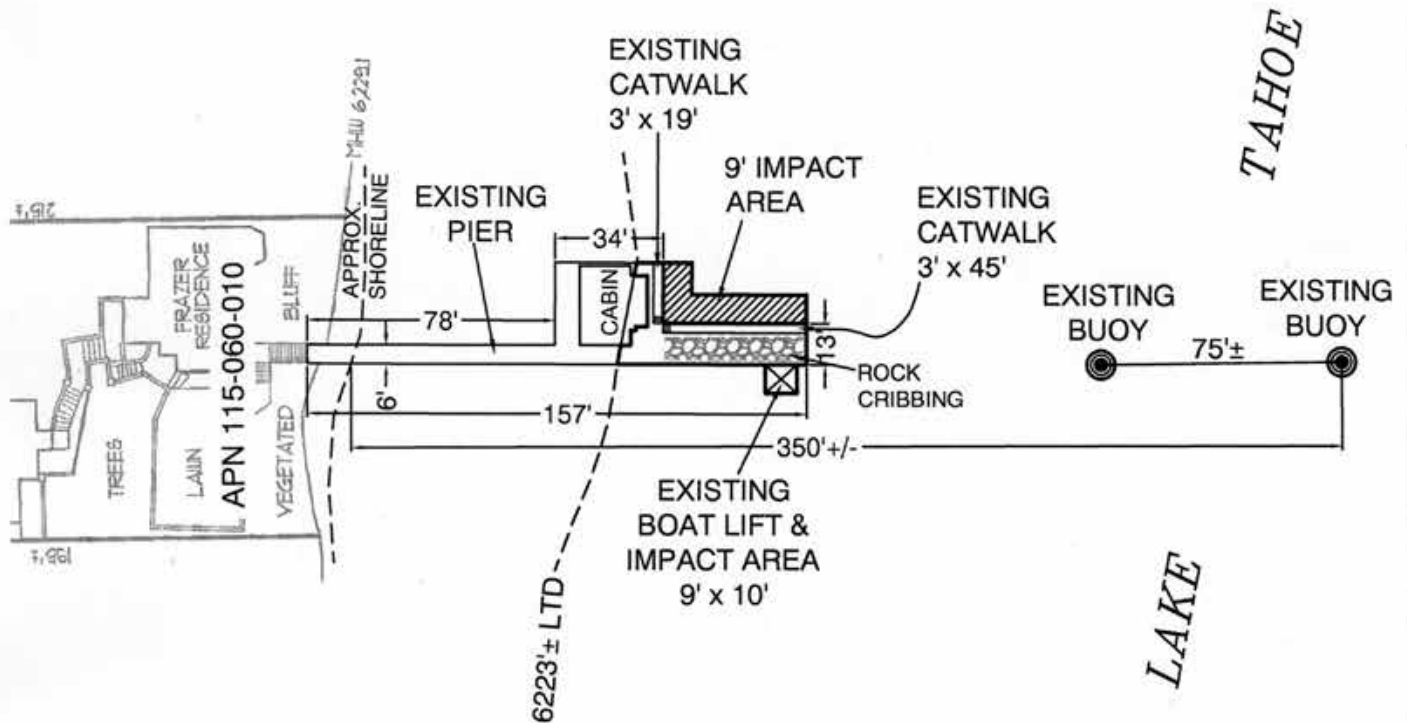
LAND DESCRIPTION PLAT
PRC 5177.1, FRAZER FAMILY TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

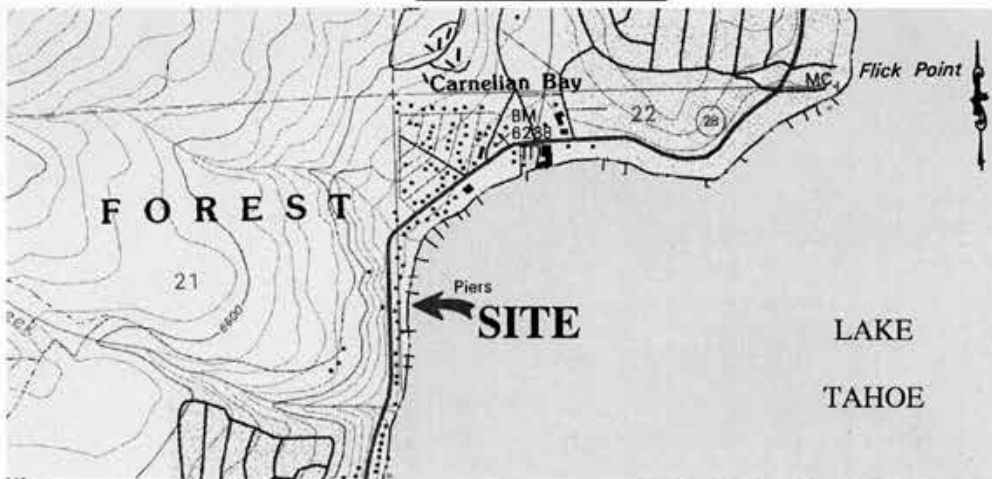
SITE



4796 NORTH LAKE BLVD, CARNELIAN BAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 5177.1
FRAZER FAMILY TRUST
APN 115-060-010
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY

SITE



TS 07/22/15